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GAU 1642

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nelson et al.
Serial No.: 09/024,988
Filed: 02/17/98
For: Mass Spectrometric Immunoassay
Atty. Docket No.: 530-005

Art Group: 1642
Examiner: Unger, S.

Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

Response to Office Action Dated 05/22/00

Dear Sir:

Responsive to the Official Action dated 05/22/00:

REMARKS

Claim Status

Claims 31, 33, 40 and 41 are pending in the present application.

Declaration

The examiner has again required a new oath or declaration because the oath or declaration submitted previously was considered defective. The examiner states that the oath or declaration was defective because only Inventor Krone was listed on the declaration. The examiner alleges that since only Inventor Krone was listed, applicant is attempting to change the inventive entity. The examiner alleges that if the inventive entity is not being changed, then a new declaration, signed by all of the Inventors is required.

The applicant respectfully disagrees with the examiner. The applicant knows of no statute or rule that requires a single declaration naming all of the applicants be submitted with a patent application. Indeed, it is not uncommon for each inventor to execute a separate declaration. Further, the examiner's contention that the applicant is attempting to change the inventive entity is specious since there is no claim being made for a change, no refutation of the Inventor Nelson, and examination of the submitted replacement declaration affirmatively states, in the third paragraph, that Inventor Krone is a "co-inventor".